

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION

GREEN REVOLUTION COOLING, INC.,

Plaintiff,

v.

POWERSPEC INC. and RAPTOR POWER
SYSTEMS LLC,

Defendants.

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1:19-CV-994-RP

AMENDED FINAL JUDGMENT

On December 4, 2019, Plaintiff Green Revolution Cooling, Inc. (“GRC”) dismissed all claims in this case without prejudice by notice of dismissal under Federal Rule of Civil Procedure 41(a)(1)(A)(i). (Dkt. 17). Rule 41(a)(1)(A)(i) allows a plaintiff to voluntarily dismiss an action without a court order by filing a notice of dismissal before the opposing party serves an answer or a motion for summary judgment. Though Defendants Powerspec Inc. and Raptor Power Systems LLC have filed a motion to dismiss, (Dkt. 16), “only the filing of an answer or motion for summary judgment terminates the plaintiff’s unilateral right to dismiss the action by notice.” *In re Amerijet Int’l, Inc.*, 785 F.3d 967, 973 (5th Cir. 2015), *as revised* (May 15, 2015); *see also Carter v. United States*, 547 F.2d 258, 259 (5th Cir. 1977) (a motion to dismiss is not “treated as the equivalent of an answer”). GRC’s notice is therefore “self-effectuating and terminates the case in and of itself; no order or other action of the district court is required.” *Amerijet Int’l*, 785 F.3d at 973.

As nothing remains to resolve, the Court renders final judgment pursuant to Federal Rule of Civil Procedure 58.

IT IS ORDERED that each party bear its own costs.

IT IS FURTHER ORDERED that the case is **CLOSED**.

SIGNED on December 5, 2019.

A handwritten signature in blue ink, appearing to read "R. Pitman", is written above a horizontal line.

ROBERT PITMAN
UNITED STATES DISTRICT JUDGE